

AO 240 (Rev. 01/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the

District of Virgin Islands

Craig Hendricks

Plaintiff

v.

United States of America

Defendant

Civil Action No. D.C. CV. NO. 2010-011

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: U.S.P. Canaan, Waymart, PA 18472

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My take-home pay or wages are: \$ _____ per (specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|---|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

See attached statement of inmate account, showing approximate receipts from family, and possible future receipts.

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4. Amount of money that I have in cash or in a checking or savings account: \$ -0-.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

Irregular child support payments, when possible.

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

Craishauna, daughter
Julia, daughter

Due to incarceration, child support payments are very infrequent.

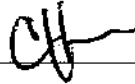
8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Just child support. See No. 7.

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date:

03/17/10



Applicant's signature

Craig Henderson

Printed name

Inmate Statement



Inmate Reg #: 01904094
 Inmate Name: HENDRICKS, CRAIG
 Report Date: 03/05/2010
 Report Time: 1:58:26 PM

Current Institution: Canaan USP
 Housing Unit: CAA-B-A
 Living Quarters: B02-206L

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
CAA	2/28/2010 6:02:02 PM	TFN0228			Phone Withdrawal	(\$5.00)		\$0.81
CAA	2/15/2010 6:24:02 PM	TFN0215			Phone Withdrawal	(\$5.00)		\$5.81
CAA	2/13/2010 1:21:08 PM	TFN0213			Phone Withdrawal	(\$9.00)		\$10.81
CAA	2/9/2010 12:43:39 PM	23			Sales	(\$30.30)		\$19.81
CAA	2/8/2010 5:30:14 PM	TFN0208			Phone Withdrawal	(\$18.00)		\$50.11
CAA	2/8/2010 8:15:28 AM	JPP0110			Payroll - IPP	\$67.80		\$68.11
CAA	2/3/2010 6:09:32 PM	TFN0203			Phone Withdrawal	(\$2.00)		\$0.31
CAA	1/31/2010 1:49:15 PM	TFN0131			Phone Withdrawal	(\$8.00)		\$2.31
CAA	1/26/2010 1:34:49 PM	977			BP 199 Request - Released		\$150.00	-----
CAA	1/26/2010 1:34:49 PM	977	903		Child Support	(\$150.00)		\$10.31
CAA	1/10/2010 3:30:06 PM	TFN0110			Phone Withdrawal	(\$19.00)		\$160.31
CAA	1/7/2010 3:36:00 PM	TL0107			TRUL Withdrawal	(\$2.00)		\$179.31
CAA	1/7/2010 3:34:45 PM	977			BP 199 Request		(\$150.00)	-----
CAA	1/7/2010 3:24:48 PM	JPP1209			Payroll - IPP	\$103.80		\$181.31
CAA	1/6/2010 12:59:35 PM	11			Sales	(\$23.10)		\$77.51
CAA	1/4/2010 9:03:48 AM	33323210			Western Union	\$50.00		\$100.61
CAA	1/3/2010 4:54:40 PM	TFN0103			Phone Withdrawal	(\$10.00)		\$50.61
CAA	12/29/2009 2:58:17 PM	TFN1229			Phone Withdrawal	(\$18.00)		\$60.61
CAA	12/28/2009 12:47:56 PM	1			Sales	(\$194.60)		\$78.61
CAA	12/26/2009 5:05:36 PM	33322610			Western Union	\$100.00		\$273.21
CAA	12/25/2009 12:30:29 PM	TFN1225			Phone Withdrawal	(\$35.00)		\$173.21
CAA	12/23/2009 7:05:07 PM	TL1223			TRUL Withdrawal	(\$2.00)		\$208.21
CAA	12/23/2009 9:03:43 AM	33322410			Western Union	\$200.00		\$210.21
CAA	12/16/2009 6:15:34 PM	TFN1216			Phone Withdrawal	(\$4.00)		\$10.21
CAA	12/14/2009 12:59:29 PM	33			Sales	(\$85.85)		\$14.21
CAA	12/13/2009 4:54:15 PM	TFN1213			Phone Withdrawal	(\$10.00)		\$100.06
CAA	12/12/2009 12:04:41 PM	33321610			Western Union	\$100.00		\$110.06
CAA	12/10/2009 2:35:25 PM	TFN1210			Phone Withdrawal	(\$10.00)		\$10.06
CAA	12/9/2009 3:33:34 PM	TFN1209			Phone Withdrawal	(\$20.00)		\$20.06
CAA	12/9/2009 2:04:41 PM	TFN1209			Phone Withdrawal	(\$10.00)		\$40.06
CAA	12/8/2009 6:18:08 PM	TFN1208			Phone Withdrawal	(\$8.00)		\$50.06
CAA	12/7/2009 9:59:48 AM	JFRP1209			FRP Quarterly Pymt	(\$25.00)		\$58.06
CAA	12/7/2009 9:57:23 AM	JPP1109			Payroll - IPP	\$82.40		\$83.06

CAA	11/10/2009 4:58:53 PM	58	Sales	(\$9.80)	\$0.66
CAA	11/10/2009 1:57:09 PM	TFN1110	Phone Withdrawal	(\$3.00)	\$10.46
CAA	11/8/2009 7:28:25 PM	TFN1108	Phone Withdrawal	(\$2.00)	\$13.46
CAA	11/7/2009 12:14:43 PM	TFN1107	Phone Withdrawal	(\$10.00)	\$15.46
CAA	11/6/2009 10:07:48 AM	JPP1009	Payroll - IPP	\$25.20	\$25.46
CAA	10/13/2009 1:45:07 PM	TFN1013	Phone Withdrawal	(\$3.00)	\$0.26
CAA	10/11/2009 2:22:34 PM	TFN1011	Phone Withdrawal	(\$3.00)	\$3.26
CAA	10/10/2009 1:34:37 PM	TFN1010	Phone Withdrawal	(\$3.00)	\$6.26
CAA	10/10/2009 12:46:04 PM	TFN1010	Phone Withdrawal	(\$1.00)	\$9.26
CAA	10/7/2009 2:10:39 PM	TFN1007	Phone Withdrawal	(\$9.00)	\$10.26
CAA	10/7/2009 7:49:02 AM	JPP0909	Payroll - IPP	\$18.90	\$19.26
CAA	10/6/2009 7:52:32 PM	TFN1006	Phone Withdrawal	(\$1.00)	\$0.36
CAA	10/4/2009 1:56:26 PM	TFN1004	Phone Withdrawal	(\$2.00)	\$1.36
CAA	10/3/2009 7:56:51 PM	TFN1003	Phone Withdrawal	(\$2.00)	\$3.36
CAA	10/2/2009 8:26:36 AM	36	Sales	(\$23.00)	\$5.36
CAA	10/1/2009 4:49:19 PM	TFN1001	Phone Withdrawal	(\$20.00)	\$28.36
CAA	10/1/2009 2:14:46 PM	TL1001	TRUL Withdrawal	(\$2.00)	\$48.36

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Total Transactions: 55

Totals: \$0.81 \$0.00

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
CAA	\$0.81	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.81
Totals:	\$0.81	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.81

Other Balances

National 6 Months Deposits	National 6 Months Withdrawals	National 6 Months Avg Daily Balance	Local Max Balance - Prev 30 Days	Average Balance - Prev 30 Days	Commissary Restriction Start Date	Commissary Restriction End Date
\$798.10	\$797.65	\$32.78	\$68.11	\$7.99	N/A	N/A

DISTRICT COURT OF THE VIRGIN ISLANDS
Clerk's Office

Wilfredo F. Morales
Clerk of the Court

Reply to:

- ☐ U.S. District Court
5500 Veteran's Drive
Charlotte Amalie, St. Thomas 00802-6424
Tel (340) 774-0540 Fax (340) 774-1293
- ☒ U.S. District Court
3013 Estate Golden Rock Lot 13
Christiansted, St. Croix 00820-4355
Tel (340) 773-1130 Fax (340) 773-1563

Date: February 26, 2010

Craig Hendricks #01904-094
USP Canaan
P.O. Box 300
Waymart, PA 18472

cc: Juan R. Sanchez, District Judge
Magistrate G.W. Cannon, Jr.
United States Attorney

Re: D.C. CV. NO. 2010-011 (Related Case: D.C. CR. NO. 2004-005-01)

NOTICE

Pursuant to *United States v. Thomas*, 221 F.3d 430 (3d Cir. 2000), you are advised that:

- ☒ 1) you can have your motion ruled upon as filed;
- ☐ 2) if your motion is not styled as a § 2255 motion you may have it recharacterized as a petition for a writ of habeas corpus pursuant to 28 U.S.C.A. § 2255 and heard as such, but may lose the ability to file second or successive petitions absent certification by the court of appeals; or
- ☐ 3) you may withdraw your motion and file one all-inclusive § 2255 petition within the one-year statutory period prescribed by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). If not filed within the one-year period, the petition may be barred as untimely. See Pub.L. No. 104-132, Title I, § 105, 110 Stat. 1214, 1220 (1996) (codified at 28 U.S.C.A. § 2255).

You are instructed to inform the Court no later than **March 30, 2010** of which option you wish to take.


If you consent to recharacterization of your motion to a § 2255 petition, you have thirty days after the court receives notice of your consent within which to supplement your claims.

You may indicate your choice by checking one of the options above, signing, dating, and returning this form to the Court within the stated deadline.

Sincerely,

Wilfredo F. Morales
Clerk of the Court

Date: 03/17/10


Petitioner's Signature

March 19, 2010


U.S. District Court
3013 Estate Golden Rock Lot 13
Christiansted, St. Croix 00820-4655

Dear Clerk,

As per the Court's instructions, please find my Notice of filing my Title 28 U.S.C. § 2255 and my IFP petition.

Should you have any questions or concerns, please feel free to contact me.

Sincerely yours,


Craig Hendricks
Reg. # 01904-094
USP Caanan
P.O. Box 300
Waymart, PA 18472

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